

# SENATE BILL No. 322

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-18-2; IC 16-42-12.5.

**Synopsis:** Fresh food initiative. Establishes the food desert grant program within the division of nutrition and physical activity to assist new businesses and existing businesses to offer fresh and unprocessed foods within a food desert. Makes an appropriation.

**Effective:** July 1, 2015.

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January 8, 2015, read first time and referred to Committee on Commerce & Technology.

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First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE BILL No. 322

A BILL FOR AN ACT to amend the Indiana Code concerning health and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 16-18-2-97, AS AMENDED BY P.L.161-2014,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2015]: Sec. 97. "Division" means the following:  
4 (1) For purposes of IC 16-21-8, the meaning set forth in  
5 IC 16-21-8-0.2.  
6 (2) For purposes of IC 16-22-8, the meaning set forth in  
7 IC 16-22-8-3.  
8 (3) For purposes of IC 16-27, a group of individuals under the  
9 supervision of the director within the state department assigned  
10 the responsibility of implementing IC 16-27.  
11 (4) For purposes of IC 16-28, a group of individuals under the  
12 supervision of the director within the state department assigned  
13 the responsibility of implementing IC 16-28.  
14 (5) For purposes of IC 16-41-40, the division of family resources  
15 established by IC 12-13-1-1.  
16 (6) For purposes of IC 16-42-12.5, the meaning set forth in



**IC 16-42-12.5-1.**

SECTION 2. IC 16-18-2-136.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 136.5. "Food desert", for purposes of IC 16-42-12.5, has the meaning set forth in IC 16-42-12.5-2.**

SECTION 3. IC 16-18-2-143, AS AMENDED BY P.L.1-2010, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 143. (a) "Fund", for purposes of IC 16-26-2, has the meaning set forth in IC 16-26-2-2.

(b) "Fund", for purposes of IC 16-31-8.5, has the meaning set forth in IC 16-31-8.5-2.

(c) "Fund", for purposes of IC 16-41-39.4, refers to the childhood lead poisoning prevention fund established by IC 16-41-39.4-3.1.

(d) "Fund", for purposes of IC 16-41-39.8, refers to the lead trust fund established by IC 16-41-39.8-7.

**(e) "Fund", for purposes of IC 16-42-12.5, has the meaning set forth in IC 16-42-12.5-3.**

~~(e)~~ **(f)** "Fund", for purposes of IC 16-46-5, has the meaning set forth in IC 16-46-5-3.

~~(f)~~ **(g)** "Fund", for purposes of IC 16-46-12, has the meaning set forth in IC 16-46-12-1.

~~(g)~~ **(h)** "Fund", for purposes of IC 16-41-42.2, has the meaning set forth in IC 16-41-42.2-2.

~~(h)~~ **(i)** "Fund", for purposes of IC 16-35-8, has the meaning set forth in IC 16-35-8-2.

SECTION 4. IC 16-42-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

**Chapter 12.5. Food: Access to Healthy Foods**

**Sec. 1. As used in this chapter, "division" refers to the division of nutrition and physical activity established within the state department.**

**Sec. 2. As used in this chapter, "food desert" means an area where, within a five (5) mile area, fresh or unprocessed food accounts for less than ten percent (10%) of the food inventory for the area.**

**Sec. 3. As used in this chapter, "fund" means the food deserts fund established by section 5 of this chapter.**

**Sec. 4. (a) The food desert grant program is established within the division to assist:**

**(1) new businesses; and**



1 (2) existing businesses;  
 2 to offer fresh and unprocessed foods within a food desert.

3 (b) The division shall establish criteria for awarding grants  
 4 under this chapter. A recipient of a grant must abide by the terms  
 5 and conditions established by the division, including allowing the  
 6 division to conduct an annual audit to ensure compliance and  
 7 agreeing to repay the grant amount to the division if the recipient  
 8 is not compliant with the terms and conditions.

9 Sec. 5. (a) The food deserts fund is established for the purpose  
 10 of awarding grants for the food desert grant program established  
 11 by section 4 of this chapter.

12 (b) The fund shall be administered by the state department.

13 (c) The expenses of administering the fund shall be paid from  
 14 money in the fund.

15 (d) The treasurer of state shall invest the money in the fund not  
 16 currently needed to meet the obligations of the fund in the same  
 17 manner as other public money may be invested.

18 (e) The money in the fund at the end of a state fiscal year does  
 19 not revert to the state general fund but remains in the fund to be  
 20 used exclusively for purposes of this chapter.

21 (f) Money in the fund is continuously appropriated for the  
 22 purposes of this chapter.

23 Sec. 6. The division shall submit an annual report of the  
 24 activities of the food desert grant program to the general assembly  
 25 in an electronic format under IC 5-14-6.

26 SECTION 5. [EFFECTIVE JULY 1, 2015] (a) There is  
 27 appropriated from the state general fund to the food deserts fund  
 28 established by IC 16-42-12.5-5, as added by this act, fifteen million  
 29 dollars (\$15,000,000) for use by the state department of health for  
 30 the purposes of the food deserts fund for the state fiscal year  
 31 beginning July 1, 2015, and ending June 30, 2016.

32 (b) This SECTION expires December 31, 2016.

